

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re WYTHE BERRY FEE OWNER, LLC

WYTHE BERRY FEE OWNER, LLC,  
Plaintiff(s),

v.

WYTHE BERRY LLC, YOEL GOLDMAN,  
AND ZELIG WEISS,  
Defendant(s).

23-CV-9358 (DEH)

ORDER

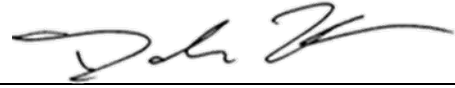
DALE E. HO, United States District Judge:

As stated at ECF Nos. 3 and 6, Rule 8018 of the Federal Rules of Bankruptcy Procedures (“FRBP”) provides that Appellant has 30 days after the docketing of notice that the record has been transmitted or is available electronically to file its opening brief. The notice of record was filed on November 21, 2023. Accordingly, Appellant was required to file its opening brief by December 21, 2023. Appellant provided no timely submission. On January 4, 2024, the Court extended Appellant’s deadline to January 8, 2024, warning Appellant for a second time that failure to prosecute its case would result in dismissal. *See* ECF No. 6. That date has now passed, and Appellant has filed neither an opening brief nor a letter explaining its delay.

Accordingly, it is hereby ORDERED that unless Appellant files a submission by **January 12, 2024**, this case shall be dismissed.

SO ORDERED.

Dated: January 9, 2024  
New York, New York

A handwritten signature in black ink, appearing to read "Dale Ho", written over a horizontal line.

DALE E. HO  
United States District Judge